HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No.07 of 2005

{Under Section 407 Cr.P.C.}

Smt. Shabana
W/o Sri Shahid Ahmad
D/o Sri Gulam Hussain
R/o Railway Colony, Kathgodam
P.S. Kathgodam, District Nainital ……Applicant

Versus

1. State of Uttaranchal
2. Judicial Magistrate, Ranikhet
   District Almora
3. Shahid Ahmad S/o Sri Israr Ahmad
4. Mobin S/o Sri Israr Ahmad
5. Smt. Rehana W/o Sri Israr Ahmad
6. Israr Ahmad S/o Sri Abdul Rehman
   Respondent Nos.3 to 6 are R/o
   Saurab Ji Building, Mal Road
   Ranikesh, District Almora ……Respondents

Hon'ble J. C. S. Rawat, J.

Heard Sri I. S. Mehra learned counsel for the applicant and learned A.G.A.

The petition under section 407 Cr.P.C. has been filed with the prayer to transfer the criminal case No.172/2003 {State Vs. Shahid & others} under section 323, 498-A I.P.C. & section 3/4 Dowry Prohibition Act pending in the court of Judicial Magistrate, Ranikhet, District Almora to any other adjacent district having the same jurisdiction.

The proceedings under section 323, 498-A I.P.C. & section 3/4 Dowry Prohibition Act have been initiated on the basis of the chargesheet. The case is fixed for prosecution evidence and the applicant has moved a transfer application on the ground that she is suffering from stomach pain for a long period and at present she is also suffering from Jaundice. Her father aged about 50 years is a patient of Asthma and diabetes and he is totally unable to travel in the hilly area. The mother of

the applicant is also suffering from joints pain and she cannot travel in the hilly area. It has also been alleged that it is very inconvenient for the applicant and her witnesses to go to Ranikhet for adducing the evidence. The respondents are the permanent resident of Ranikhet and they are intentionally trying to linger on the case and to harass the applicant. On these grounds, the applicant has prayed to transfer the case from Ranikhet to Haldwani.

The grounds shown for transferring the case are not sufficient. The original jurisdiction lies with the Ranikhet court. The distance between the Ranikhet and Haldwani is about 92 KM only. It is also pertinent to mention here that the bus and taxi services are very smooth and easily available from Haldwani to Ranikhet and vice versa.

In view of the foregoing discussion, I am of the view that there is no good ground to transfer the case from Judicial Magistrate, Ranikhet District Almora to Haldwani. Therefore, the petition is devoid of merit and is dismissed.

(J. C. S. Rawat, J.)

Dated 12.08.2005

LSR